

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure	)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency	)	
Calling Systems	)	
 AT&T Wireless Services, Inc	 )	 DA-01-894
Request for Waiver	)	
 To: The Commission		

***EX PARTE* COMMENTS OF INENA**

INENA (Illinois chapter of National Emergency Number Association) hereby submits the following *ex parte* comments regarding the above-captioned request for waiver of AT&T Wireless Services, Inc. ("AWS").

INENA, the founding chapter of NENA, includes among its voluntary membership, a wide range of people involved in 9-1-1; from those who serve on ETSBs (emergency telephone system boards, which govern almost all Illinois municipal and county 9-1-1 systems under the state's 9-1-1 law) to those involved in direct management, supervision, operation, and support services of very large to small 9-1-1 systems.

On August 28, 2001, AWS filed an *ex parte* presentation with the FCC. It stated "In response to a request from the staff of the Wireless Telecommunications Bureau, we are providing the attached information regarding AT&T Wireless Service Inc's deployment of Phase I E911 service to customers nationwide as of August 20, 2001." .....

In the above-referenced presentation, it was stated "As the attached information demonstrates, AWS has worked cooperatively with its PSAP partners to speed the deployment of E911 services."

We strongly disagree with that premise, at least in the State of Illinois, where AWS listed 83 phase 1 requests with one having been implemented.

We also wish to point out to the FCC some of the difficulties PSAPs in Illinois are having implementing **any form of wireless 9-1-1** with AWS.

While we realize that the FCC staff is extremely busy regarding rules and deadlines regarding phase II E-9-1-1, we want it on the record that we in Illinois continue to have major difficulties with some major wireless carriers, including AWS, in implementing **any form of wireless 9-1-1** and that causes many 9-1-1 professionals to be extremely doubtful about the promises, proposals and plans to implement phase II.

Rather than comply with the original FCC order, that included wireless 9-1-1, AWS chose to use a private call center to receive most of its customers' 9-1-1 calls in Illinois. This private center, which falls under no state or federal 9-1-1 regulatory rules as to its operation or training, attempts to determine the location of the caller and relay the information or transfer the caller to the appropriate 9-1-1 PSAP somewhere in the state. No additional assistance to the caller is provided.

In late 1999, Illinois wireless legislation (House Bill 1383) was passed. It gave the Illinois Commerce Commission (ICC) the authority to adopt rules governing the operation of public wireless 9-1-1 answering points (PSAPs), and some limited ability to establish network rules governing the delivering of wireless 9-1-1 calls to PSAPs. The legislation clearly stated that nothing in it was intended to supercede any rules adopted by the FCC.

In 2000, the ICC adopted "Standards of Service Applicable to Wireless 9-1-1 Emergency Systems," Illinois Administrative Code, Title 83, Part 728 ("Part 728").

In Part 728, it was stated "Private companies shall no longer receive wireless 9-1-1 calls after September 11, 2001 except pursuant to a contract with an authorized 9-1-1 answering point to provide such service." It was also stated that if it did provide service under such a contract, it must comply with all 9-1-1 standards and rules established by the ICC.

During this summer, many of the 80-plus PSAPs in Illinois with phase I requests filed with AWS began to realize that the deadline of September 11, 2001 would not be met with phase I service.

Some have pleaded with AWS staff to provide at least some form of basic 9-1-1 for its customers. They have even offered to route AWS 9-1-1 calls in their areas to a local 10-digit number answered by trained 9-1-1 call takers (a technical solution that requires less than a day to implement). A few have even offered to provide the actual 10-digit 9-1-1 number to route the calls directly into their system. All to no avail.

The ICC has determined that it has no legal authority to take any action against wireless carriers regarding not meeting the September 11, 2001 deadline so, it has approved amendments to its wireless 9-1-1 rules, which include the new statement that "a private company receiving wireless 9-1-1 calls on September 1, 2001 may continue to receive wireless 9-1-1 calls after September 11, 2001 until such time as wireless carriers contracting with such company to receive wireless 9-1-1 calls certify to the Commission that they are directing calls to the appropriate authorized wireless 9-1-1 answering points."

And, giving an indication of how quickly AWS and other carriers may comply, the following is also included, "Beginning on January 1, 2002 and each month following, any wireless carrier contracting with a private company to receive wireless 9-1-1 calls shall file with the Chief Clerk of the Commission a verified report...." The report will include steps taken to comply with the requirements of the rule and a schedule for transferring calls to the appropriate PSAPs.

AWS representatives actively sought such an extension in the Illinois rules.

INENA members have polled many Illinois PSAPs listed in the AWS ex parte presentation. We have received replies that included lengthy delays due to AWS losing paperwork, AWS not contacting PSAP, AWS requiring contracts and other AWS delays.

Regarding contracts, we point out that many PSAPs in Illinois have been providing 9-1-1 service for customers of numerous (10-15) wireline competitive local exchange carriers for years without such detailed contracts as that they are being pressured to sign by AWS.

We have information regarding the above delays from Cook County, Westchester, Cicero, Oak Park, Country Club Hills, Flossmoor, Glenwood, Hazel Crest, Homewood, South Holland, Southwest Central, Western Springs, Evanston, Glencoe, Morton Grove, Niles, Northfield, Rolling Meadows, Skokie, Des Plaines/Park Ridge, Northwest Central Dispatch, QuadCom, Glenview, Midlothian, Tinley Park, Lansing, Wheeling, Kane County, Harwood Heights, Livingston County, and the list goes on. Additional PSAP information, both details and more to add to the list can be provided upon request. Marion County, which is in AWS' Group 4 list for not responding, doesn't belong in any category. It is served by Telecorp PSC/SunCom, not AWS, and has completed all work, awaiting trunk installation for phase I.

## CONCLUSION

The FCC should take into account the actual working record of AWS, when it considers its phase II request, which includes an accuracy waiver well beyond that sought by any other major carrier. It also includes an implementation schedule that, while it appears aggressive, is during a time period when it may still be using a private call center rather than give its Illinois customers any level of public, trained, regulated 9-1-1 service.

The Commission should deny the AWS waiver request and provide guidance to the applicant and other carriers about not only the substance and timing of a clear path to compliance with Section 20.18 of the Rules but, also, to compliance with the Rules regarding basic wireless 911 and phase I E911.

Submitted on behalf of INENA, Illinois chapter of the National Emergency Number Association, on September 12, 2001.

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